

FILED
U.S. DISTRICT COURT
JUN 18 PM 2:25
SAVANNAH DIVISION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JAMES C. COLLINS

Plaintiff,

v.

JOHN T. WILCHER and KOBY
RITTER, R.N.,

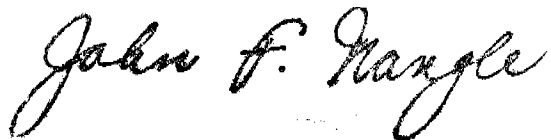
Defendants.

Case No. CV 405-97

ORDER

Before the Court is Plaintiff's Motion for Voluntary Dismissal with prejudice of Defendants Wilcher and Ritter. (Doc. 44.) This Motion comes before the Court after Defendants filed their Motion for Summary Judgment (Doc. 40) on June 8, 2007. As such, pursuant to Fed. R. Civ. Proc. 41(a)(2), at this juncture of the litigation Plaintiff may not dismiss the only remaining Defendants without an order from this Court.¹ **IT IS HEREBY ORDERED** that Plaintiff's Complaint against Defendants Wilcher and Ritter is **DISMISSED with prejudice.**² The Court **DIRECTS** the **CLERK of the COURT** to **CLOSE** any pending motions in the matter and **CLOSE** the case as there are no remaining defendants in this action.

SO ORDERED.



JOHN F. NANGLE
UNITED STATES DISTRICT JUDGE

Dated: June 18th, 2007

¹ Fed. R. Civ. Proc. 41(a)(2) provides in part that "an action shall not be dismissed at the plaintiff's instance save upon order of the court and upon such terms and conditions as the court deems proper."

² Pursuant to Fed. R. Civ. Proc. 41(a)(2) "[u]nless otherwise specified in the order, a dismissal under this paragraph is without prejudice."